IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.684 OF 2005

AND

CRIMINAL REVISION APPLICATION NO. 28 OF 2005

Jagdish Narayan Maypadi ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr. A.P. Mundargi, with Mr. Runwal, for the Applicant.

Mr. K.V. Saste, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

9th February 2005

P.C.:

. Heard Counsel for the parties. In my opinion, no indulgence is warranted in exercise of revisional jurisdiction. The Court below is justified in observing that having regard to the stand taken by the Applicant, the offence under section 143(1)(a) of the Railways Act was

established, as the Applicant is admittedly not authorised agent of the Railways to transact in railway tickets on behalf of the others, who were stated to be clients, on whose instructions the Applicant had purchased the tickets in question. In view of the stand taken by the Applicant, coupled with the fact that no defence evidence was adduced, I see no reason to depart from the opinion expressed amongst others in para 13 of the judgment. Not a case for interfering in exercise of revisional jurisdiction.

. Mr. Mundargi lastly submits that at least on the point of sentence, this Court may show some indulgence. It is seen that the trial Court imposed rigorous imprisonment for one year. The appellate Court has already shown leniency by bringing down the said sentence to three months, for the reasons recorded in para 17 of the impugned order. No further leniency can be shown. Besides, the appellate Court has already shown indulgence and I see no reason as to why the view taken by the appellate Court cannot be sustained, so as to interfere in exercise of revisional jurisdiction. It is well-settled that

the revisional Court should be slow in interfering with the sentence imposed by the Court below, if the same is founded on sound reason. Hence, rejected.

(A.M.KHANWILKAR,J.)